

**THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	
Mary Alice Judge aka	:	BK. No. 5:17-bk-00831-RNO
Mary Alice Elko aka	:	
Mary Alice Yozwiak	:	Chapter No. 13
Debtor	:	
	:	
Deutsche Bank National Trust Company, as	:	
Trustee for Ameriquest Mortgage Securities Inc.,	:	
Quest Trust 2005-X2, Asset Backed Certificates,	:	11 U.S.C. §362
Series 2005-X2	:	
Movant		
v.		
Mary Alice Judge aka		
Mary Alice Elko aka		
Mary Alice Yozwiak		
Respondent		

MOTION OF Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Quest Trust 2005-X2, Asset Backed Certificates, Series 2005-X2 FOR RELIEF FROM AUTOMATIC STAY UNDER §362 PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of the Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor.

1. Movant is **Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Quest Trust 2005-X2, Asset Backed Certificates, Series 2005-X2.**

2. Debtor Mary Alice Judge aka Mary Alice Elko aka Mary Alice Yozwiak is the owner of the premises located at **92 VALENTINE ST, MOOSIC, PA 18507**, hereinafter known as the mortgaged premises.

3. Movant is the holder of a mortgage on the mortgaged premises. Movant's attorney is unaware of the mortgage lien position without further investigation.

4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note results in a lack of adequate protection. Movant wishes to institute foreclosure proceedings on the Mortgage due to Debtor's failure to make payments required thereunder.

5. The foreclosure proceedings to be instituted were stayed by the filing of the instant Chapter 13 Petition.

6. As of April 8, 2019, Debtor has failed to tender post-petition mortgage payments for the months of February 2019 through April 2019. The monthly payment amount for the month of February 2019 through April 2019 is \$549.19 each, less funds in suspense in the amount of \$65.88, for a total amount due of \$1,581.69. The next payment is due on or before May 1, 2019 in the amount of \$549.19. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

7. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

8. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

9. OCWEN LOAN SERVICING, LLC services the underlying mortgage loan and note for the property referenced in this Motion for Relief for **Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Quest Trust 2005-X2, Asset Backed Certificates, Series 2005-X2** (the Noteholder) and is entitled to proceed accordingly. Should the Automatic Stay be lifted and/ or set aside by Order of this Court or if this case is

dismissed or if the debtor obtains a discharge and a foreclosure action is commenced or recommenced, said foreclosure action will be conducted in the name of Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Quest Trust 2005-X2, Asset Backed Certificates, Series 2005-X2 (the Noteholder). Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Quest Trust 2005-X2, Asset Backed Certificates, Series 2005-X2 (the Noteholder) has the right to foreclose because Noteholder is the original mortgagee or beneficiary or assignee of the security instrument for the referenced loan. Noteholder directly or through an agent has possession of the promissory note and the promissory note is either made payable to Noteholder or has been duly endorsed.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under Section 362 with respect to **92**

VALENTINE ST, MOOSIC, PA 18507 (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

c. granting any other relief that this Court deems equitable and just.

/s/ Thomas Song, Esquire
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April 10, 2019